

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WID-DONALD PAUL,	§
	§
Defendant Below-	§ No. 274, 2011
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Sussex County
	§ Cr. ID 0905014074
Plaintiff Below-	§
Appellee.	§

Submitted: June 15, 2011

Decided: July 13, 2011

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

CORRECTED ORDER

This 13th day of July 2011, it appears to the Court that:

(1) On June 1, 2011, the Court received appellant's notice of appeal from a Superior Court order denying his motion for postconviction relief. The order was dated March 29, 2011 and was docketed on March 31, 2011. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before May 2, 2011.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing appellant to show cause why the appeal should not be dismissed as

untimely filed.¹ Appellant filed a response to the notice to show cause on June 15, 2011. He asserts that his appeal is untimely because the Superior Court failed to inform him that he only had thirty days to file a notice of appeal. He also contends that the Superior Court should have appointed counsel to represent him in the postconviction proceedings and, if he had had counsel to represent him, then his appeal would have been timely filed. Contrary to Paul's contention, however, there is no constitutional right to counsel in a postconviction proceeding.²

(3) Moreover, Paul's pro se status does not excuse his failure to comply strictly with the jurisdictional requirements of Rule 6.³ A notice of appeal must be received by the Office of the Clerk of this Court within the applicable time period in order to be effective.⁴ Paul cannot demonstrate that his failure to file a timely notice of appeal is attributable to court personnel. Accordingly, his appeal cannot be considered.⁵

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

¹Del. Supr. Ct. R. 6(a)(iii) (2011).

²*Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987).

³*Carr v. State*, 554 A.2d 778, 779 (Del.), cert. denied, 493 U.S. 829 (1989).

⁴Del. Supr. Ct. R. 10(a).

⁵*Bey v. State*, 402 A.2d 362, 363 (Del. 1979).